



**US Army Corps
of Engineers®**

PUBLIC NOTICE

APPLICATION FOR PERMIT

Public Notice/Application No.: 2000-00966-RWF
Comment Period: October 14, 2003 through November 13, 2003
Project Manager: Ron Fowler (602) 640-5385 ext. 226

Applicant

Mr. Richard (Dick) Frye
10,000 West L.L.C.
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Contact

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Location

The 10,105 acre Festival Ranch master-planned community site is located in the Town of Buckeye, along the Hassayampa River, Wagner Wash, and unnamed ephemeral washes within Sections 3, 10, 15, 22, 27, 28, 33 and 34 of Township 5 North, Range 4 West and Sections 4, 8, 9, 13, 14, 16, 17, and 20 through 29 of Township 4 North, Range 4 West, Maricopa County, Arizona.

Activity

To impact a total of 47.9 acres of ephemeral washes for the construction of 10,105 acre Festival Ranch master planned community. For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers
ATTN: Regulatory Branch (2000-00966-RWF)
3636 North Central Avenue, Suite 760
Phoenix, Arizona 85012-1936

Alternatively, comments can be sent electronically to: rfowler@spl.usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity.

Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the Arizona Department of Environmental Quality. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

Cultural Resources- The proposed project area has been subject to two cultural resource surveys. The northern 6,350 acres of the property was surveyed for cultural resources by Soil Systems, Inc. (SSI) in 2002 and reported in *A Cultural Resources Survey of Approximately 6,350 Acres of Festival Ranch North of the Central Arizona Project Canal and East of the Hassayampa River, Maricopa County, Arizona* (SSI 2002). Eighty-five isolated artifacts and a single previously recorded site were documented in this report. This report concluded that no further work is necessary at the previously recorded site because federal compliance issues have already been addressed as a result of the Central Arizona Project Canal construction.

The southern, 3,766 acres of the property was surveyed by SWCA in December 2002 and were reported in *An Archaeological Survey for the Festival Ranch Project in Northern Maricopa County, Arizona*. Fifty-eight isolated artifacts and four sites were documented in this report. This report concludes that only one of the four sites may be eligible for listing in the National Register of Historic Places.

The Corps has not made a determination in regard to the conclusions contained in these reports. The Corps will consult with the State Historic Preservation Office as necessary in regard to the eligibility determinations and project impacts to these properties.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the response period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The proposed Festival Ranch project will involve the development of residential, commercial, and recreational land uses, and associated roads and utilities. Resort residential is planned for the northernmost portion of the property. Single family residential is planned throughout the central and southern portions of the property. High density residential is planned for a few areas in the central and southern portion of the property. Golf courses and other recreational areas (parks, etc.) as well as commercial and retail developments are planned central and southern portions of the property.

The proposed project area contains approximately 787 acres of waters of the United States (754 acres in the northern portion and 33 acres in the southern portion of the project area). The Hassayampa River located along the western edge of the proposed project area accounts for 642.8 acres of this total. The jurisdictional area of the Hassayampa River will be avoided by the project activities. There are no jurisdictional wetlands within the proposed project area. As proposed, the development of the proposed master-planned project will impact approximately 47.9 acres of ephemeral washes.

Essentially, the Central Arizona Project Canal divides the northern portion of the project from the southern. Development of the northern 6,972 acres of the proposed project (including a parcel located in the extreme southwest corner of the project) is expected to impact 33.2 acres of ephemeral washes. The development of this portion of the project will consist of resort residential, single-family residential, high density residential, commercial/retail, community park/recreation, golf courses and the associated roads and utilities. Only conceptual plans have been developed for the northern 6,972 acres of the proposed project. The applicant has requested that an impact budget be considered for this portion of the development, allowing a maximum of 12.4 acres of impacts for the construction of four golf courses, 14.2 acres of impact for the construction of resorts and residential developments, 2.3 acres of impacts for commercial/retail/office development, and 4.3 acres for the construction of roads and utility systems. The applicant has indicated that these impacts would be mitigated by re-vegetating reconstructed washes and through payment of in-lieu fees. Detailed mitigation plans would be submitted for Corps approval prior to beginning the development of the northern 6,972 acres of the project area.

Development of the southern portion of the proposed project (approximately 3,133 acres) is expected to impact 14.7 acres of ephemeral washes. This will be the first phase of the development. The development of this portion of the proposed project will include residential developments impacting 9.5 acres, construction of two golf courses impacting 0.6 acres, retail and commercial developments impacting 2.0 acres, roads construction impacting 2.1 acres, and construction of utility systems impacting 0.5 acres. The applicant has estimated that construction may begin as early as 2004.

The applicant has developed a compensatory mitigation proposal to replace the 14.7 acres of impacts

to waters of the U.S. that will be lost as a result of the development of the southern 3,133 acres of the project. This compensatory mitigation proposal includes vegetative enhancement of approximately 9.4 acres of degraded mesquite bosque buffered by an additional 14.7-acre zone situated along a section of Wagner Wash located within the center of the project area. The mitigation proposal suggests the modification of the native soils to impervious surfaces within the developed portions of the project area will generate additional volume of runoff that may serve to support supplemental plantings in the restoration area.

Additional Project Information

The proposed project area is situated north and west of the White Tank Mountains, approximately 15 miles north of the Interstate 10 corridor and along the eastern bank of the Hassayampa River. The Central Arizona Project Canal transverses the proposed project area separating the northern 6,972 acres from the southern 3,133 acres.

The elevation of the proposed project area varies from approximately 1,800 feet above mean sea level (MSL) in the northern most portion of the property to approximately 1,450 feet above MSL in the channel of the Hassayampa River.

The proposed project area is located within an area characterized as Sonoran Desert Scrub vegetation community, although the lower and central portion of the project area exhibit vegetation typical to the Lower Colorado River Valley Subdivision "Creosote-Bursage Series," and areas along the western boundary and in the southeastern portion of the project possesses characteristics of the Arizona Upland Subdivision. The vegetation characteristics are in response to differing site topography, soils and degrees of grazing pressure. Woody vegetation typically found adjacent to most ephemeral washes within the proposed project area includes mesquite, ironwood, paloverde and creosote.

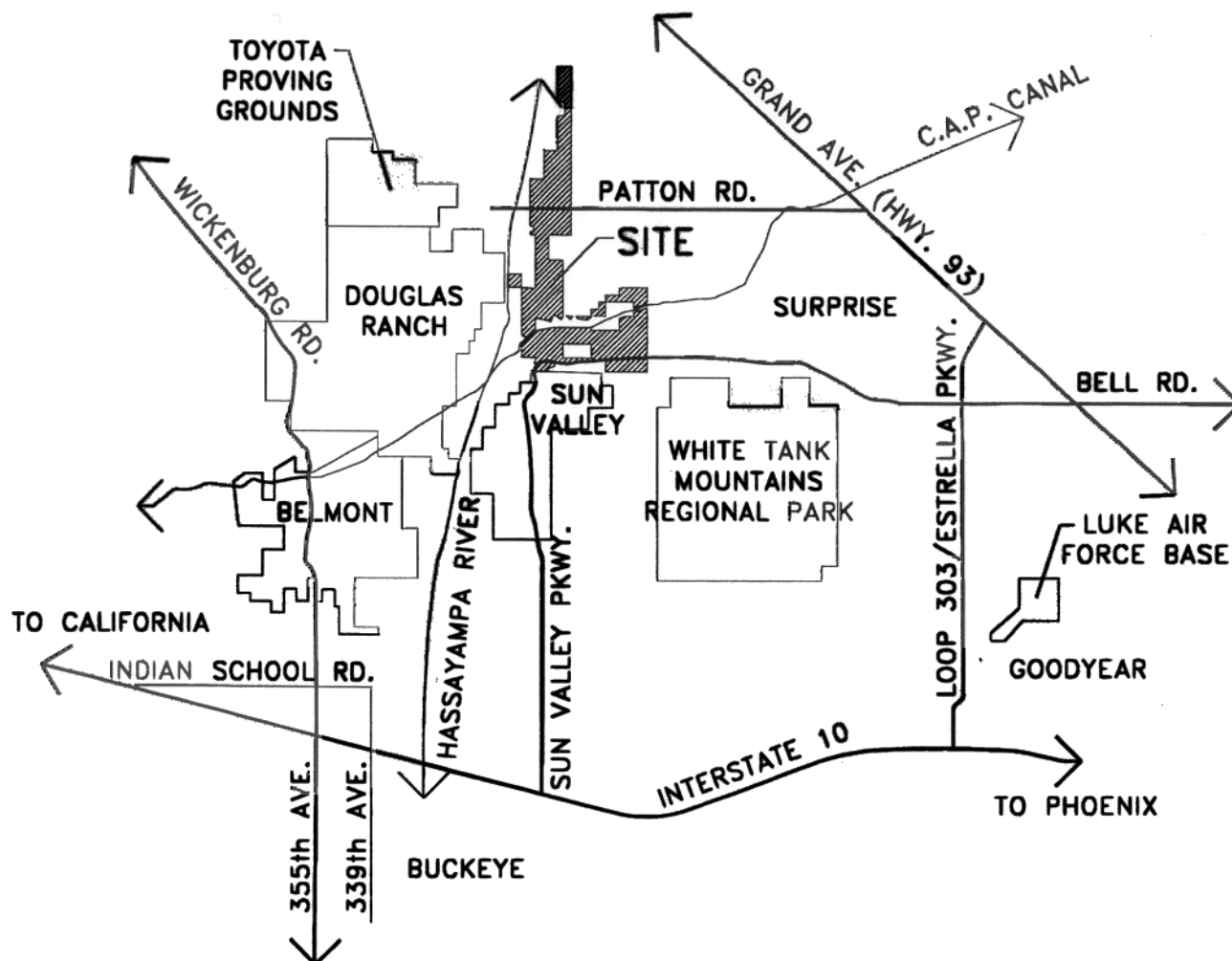
Proposed Special Conditions

There have been no proposed permit special conditions developed at this time.

For additional information please call Ron Fowler at (602) 640-5385 x226. This public notice is issued by the Chief, Regulatory Branch.



NOT TO SCALE

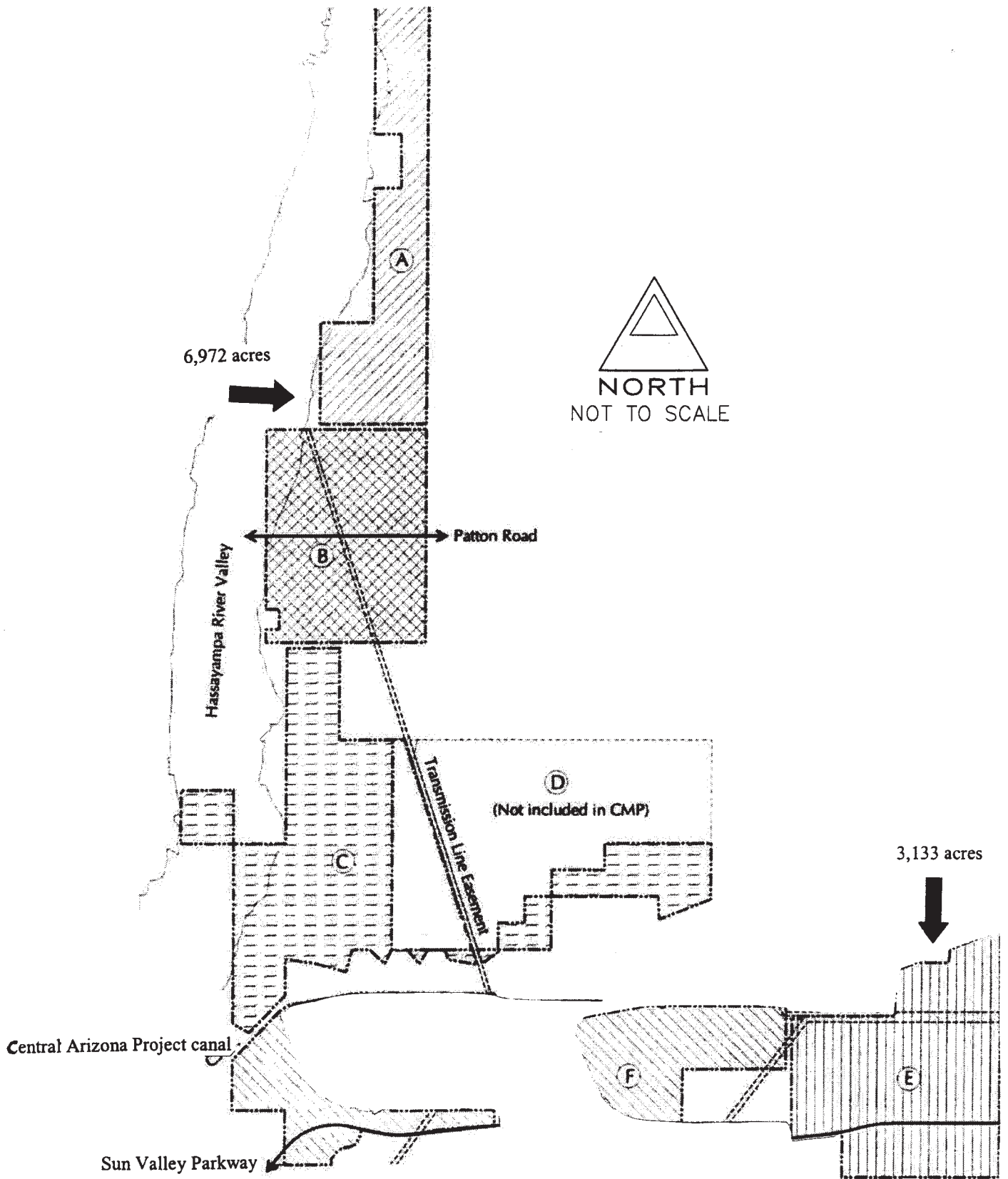


FESTIVAL RANCH VICINITY MAP



**Kimley-Horn
and Associates, Inc.**

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Environmental Consultants Phoenix, Arizona 85020 (602) 944-5500



Planning Unit Plan
Festival Ranch
Maricopa County, Arizona

6,972 acres



Patton Road



LEGEND



HIGH END RESORT RESIDENTIAL (HERR)



SINGLE FAMILY RESIDENTIAL (SFR)



GOLF COURSE (GOLF)



GOLF CLUBHOUSE



RETAIL VILLAGE



HIGH DENSITY RESIDENTIAL (HDR)



COMMUNITY PARK/RECREATION



FLEX OFFICE



FLEX COMMERCIAL



ROAD



GRANITE REEF AQUEDUCT



JURISDICTIONAL WATERS OF THE U.S.



BRAIDED JURISDICTIONAL WATERS OF THE U.S.



IMPACTED WATERS OF THE U.S.



BRAIDED IMPACTED WATERS OF THE U.S.

3,133 acres



Central Arizona Project canal

Sun Valley Parkway